

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5837 OF 2017

Manish Singh Thakur @ Indar Verma @ Chhotu S/o Bhuvneshwar Singh Thakur
Aged About 32 Years R/o Qtr No. 3E/234, C. S. E. B. Colony Korba, District
Korba, Chhattisgarh, Presently Resident of Pipali Dhaba, Naktikhar, P. S. Balco,
District Korba, Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Ajak,
District Korba, Chhattisgarh.

... Respondent

For Applicant	:	Shri Atanu Ghosh, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/12/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 04.05.2017 in connection with Crime No.08 of 2017 registered at Police Station AJAK, Distt. Korba, for the offence punishable under Section 376, 506-B IPC and Sections 3(1)(12) and 3(2)(5) of the SC & ST Act.
2. As per prosecution, the applicant is said to have had physical relationship with the prosecutrix for a considerable period of time and when ultimately the prosecutrix wanted to marry with the present applicant, he refused to marry which led filing of the FIR.
3. Learned Counsel for the applicant submits that the prosecutrix in the instant case is a married lady with more than 3 children and is also more aged than the applicant. Further, her 164 Cr.P.C statement clearly reveal that there was a consensual relationship between the two and it was not a case of any exploitation being done by the present applicant, and therefore he may be released on bail.

4. On the other hand, the State counsel opposes the bail application.
5. Considering the facts and circumstances of the case particularly taking into consideration the statement of prosecutrix under Section 164 CrPC and also considering the age of the prosecutrix and the present applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge